

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136731/NMC/2023

Date registered valid: 12 April 2023

Proposal: Non-material amendment to planning permission 135278/FO/2022 to allow demolition and construction management plans to be discharged separately

Address: St Gabriels Hall, 1 Oxford Place, Manchester, M14 5RP

Ward(s): Ardwick Ward

Applicant: McLaren Property Ltd & The Sisters of the Cross and Passion

Agent (if any): Vanessa Rowell Avison Young

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 April 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building and surroundings

The application relates to a vacant student halls of residence (St. Gabriel's Hall).

The site measures approximately 0.65 hectares and relates to a former student halls of residence associated with the University of Manchester. It is located in the Victoria Park Conservation Area and Oxford Road Corridor, south. None of the buildings are statutorily listed.

St Gabriel's Hall is a large building formed of three main phases; the original c1850s villa called "The Lodge" to the centre, a 1922 residential accommodation block to the east, and a 1963 chapel to the west

The area is mixed use in nature, comprising homes, with a concentration of student accommodation, retail, office, and educational uses. Rusholme district centre, a busy neighbourhood centre with a primary focus on food and drink uses, is to the west.

Listed building: Not applicable

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order: No

Description of development

A non-material amendment is sought to planning permission referenced 135278/FO/2022 which allowed for for some demolition and the erection of part 4 storey, part 5 storey buildings and the refurbishment and restoration of existing buildings to form student accommodation (sui generis), with associated landscaping, cycle parking, car parking and associated works

319 student bedrooms are proposed including 137 studios and 102 cluster units, split across two new-builds and a refurbished St Gabriel's Hall & Woodthorpe Hall.

In the case of this application, a non-material amendment is sought in order to alter the wording of condition 4 which relates to the requirement for a construction/demolition plan prior to works commencing.

The applicant seeks to alter the wording of the condition to allow the condition to be split into two parts, one requiring a Demolition Management Plan to be submitted prior to commencement of demolition and the second requiring a Construction Management Plan to be submitted prior to commencement of development excluding demolition.

Splitting the triggers for a Demolition Management Plan and Construction Management Plan would allow for a more timely start on site, as demolition can begin prior to the approval of a full Construction Management Plan.

The revised condition would read:

a) Prior to the commencement of demolition, a Demolition Management Plan outlining working practices during demolition development shall be submitted to and approved in writing by the City Council as Local Planning Authority.

For the avoidance of doubt, the Demolition Management Plan should include:

- Measures to control noise and vibrations;*
- Dust suppression measures;*
- Compound locations where relevant;*
- Location, removal and recycling of waste;*
- Details of an emergency contact telephone number;*
- Parking of construction vehicles; and*
- Sheeting over of demolition vehicles.*

The development shall only be carried out in accordance with the approved Demolition Management Plan.

b) Prior to the commencement of development (excluding demolition), a Construction Management Plan outlining working practices during development shall be submitted to and approved in writing to the City Council as Local Planning Authority.

For the avoidance of doubt, the Construction Management Plan should include:

- Measures to control noise and vibrations;*
- Dust suppression measures;*
- Compound locations where relevant;*
- Location, removal and recycling of waste;*
- Detail of an emergency contact telephone number;*
- Parking of construction vehicles; and*
- Sheeting over of construction vehicles.*

The development shall only be carried out in accordance with the approved Construction Management Plan.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Consultations & Notification Responses

None Required.

Issues

Materiality

The amended condition wording would facilitate development to commence sooner and would have no material impact, since there a requirement for both a demolition and construction plan prior to each phase commencing would remain. The alteration would not raise any new amenity, highway or air quality issues since the conclusions of technical assessments approve as part of the host permission would be the same. The proposed amendment would therefore comply with all relevant, overarching policy and guidance.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposal seeks to alter the wording of condition 4 attached to planning permission referenced 135278/FO/2022 to allow the condition to be split into two parts, one requiring a Demolition Management Plan to be submitted prior to commencement of demolition and the second requiring a Construction Management Plan to be submitted prior to commencement of development, excluding demolition.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will not result in any significant or material alteration to the host planning permission.

4) a) Prior to the commencement of demolition, a Demolition Management Plan outlining working practices during demolition development shall be submitted to and approved in writing by the City Council as Local Planning Authority.

For the avoidance of doubt, the Demolition Management Plan should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Details of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of demolition vehicles.

The development shall only be carried out in accordance with the approved Demolition Management Plan.

b) Prior to the commencement of development (excluding demolition), a Construction Management Plan outlining working practices during development shall be submitted to and approved in writing to the City Council as Local Planning Authority.

For the avoidance of doubt, the Construction Management Plan should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved Construction Management Plan.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Victoria Park Conservation Area 1972

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL